

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Perri Fagin	Team: Squad #5	CCRB Case #: 201608530	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/07/2016 7:15 PM	Location of Incident: 1908 Strauss Street	Precinct: 73	18 Mo. SOL 4/7/2018	EO SOL 4/7/2018	
Date/Time CV Reported Mon, 10/10/2016 3:19 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 10/10/2016 3:19 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Craig Roach	01345	942445	073 PCT
2. POM Dana Ladson	10196	941282	073 PCT
3. POM George Allen	06387	944517	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Stephanie Williams	19313	959377	073 PCT
2. POM Dwane Edwards	13814	951604	073 PCT
3. POM Elite Won	26853	951448	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Dana Ladson	Discourtesy: Police Officer Dana Ladson spoke discourteously to § 87(2)(b)	
B.POM George Allen	Discourtesy: Police Officer George Allen spoke discourteously to § 87(2)(b)	
C.POM George Allen	Abuse: Police Officer George Allen threatened to arrest § 87(2)(b)	
D.POM George Allen	Abuse: Police Officer George Allen searched § 87(2)(b)	
E.SGT Craig Roach	Abuse: Sergeant Craig Roach issued a summons to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint online with the CCRB on October 10, 2016.

On October 7, 2016, § 87(2)(b) was driving eastbound on East New York Avenue in Brooklyn. As he approached a red light at the Strauss Street intersection, § 87(2)(b) passed a waiting vehicle on the right and, once the light turned green, made a right turn onto Strauss Street. PO George Allen and PO Dana Ladson, both of the 73rd Precinct, observed this and immediately turned on the lights and sirens of their unmarked Chevy Impala to pull § 87(2)(b) over. § 87(2)(b) was pulled over in front of 1908 Strauss Street, approximately one-and-a-half blocks away from where the traffic infraction occurred (see Allegations not Pleaded).

PO Allen approached the driver's side of § 87(2)(b)'s vehicle, and PO Ladson approached the passenger's side. § 87(2)(b) asked why he was being pulled over and PO Ladson allegedly responded, "For driving like a fucking asshole" (**Allegation A**). PO Allen allegedly said, "You fucking saw us, get the fuck out of here" (**Allegation B**). § 87(2)(b) alleged that PO Allen ordered him out of his car by stating, "Get out of the car, we're taking you to jail" (**Allegation C**). § 87(2)(b) was rear handcuffed, and PO Allen allegedly reached into one of § 87(2)(b)'s back pant pockets and removed his license, credit card, and work ID (**Allegation D**).

§ 87(2)(b) was placed into the back seat of the unmarked Chevy. § 87(2)(b) heard PO Ladson and PO Allen, who were standing outside the Chevy, talking about what to do. An unidentified officer said, "What about the complaint?" and another said, "Fuck that, take him in" § 87(2)(g). PO Ladson told § 87(2)(b) that they were waiting for their supervisor. Minutes later, Sgt. Craig Roach and PO Stephanie Williams, both from the 73rd Precinct, arrived at the scene in an additional police vehicle. § 87(2)(b) could not see or hear what was happening. At some point during this incident, PO Dwane Edwards and PO Elite Won, both of the 73rd Precinct, also arrived at the scene, and stood by.

PO Ladson told § 87(2)(b) that they had conducted a search, and saw that he had no criminal record. PO Ladson allegedly told § 87(2)(b) that he would be issued two summonses, but did not specify for what. PO Ladson left, spoke with other officers, returned to § 87(2)(b) and told him that he would be issued one summons for disorderly conduct. One of the officers let § 87(2)(b) out of the unmarked Chevy, and removed § 87(2)(b)'s handcuffs. § 87(2)(b)'s belongings were returned, except for his work ID. PO Williams issued § 87(2)(b) a summons, per Sgt. Roach's instructions (**Allegation E**).

§ 87(2)(b) received one summons for disorderly conduct as a result of this incident. No video footage was available for this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- As of December 8, 2016, § 87(2)(b) has not filed a Notice of Claim with the Office of the New York City Comptroller regarding this incident (Board Review 02).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 03).
- PO Allen has been a member-of-the-service for nine years and has seven prior CCRB complaints filed against him involving 14 allegations, two of which were substantiated. In CCRB case 201209362, the Board substantiated an allegation that PO Allen questioned an individual. The Board recommended charges, but the NYPD dismissed the charges and executed no penalty. In CCRB case § 87(2)(b) the Board substantiated an allegation that PO Allen frisked an individual. The Board recommended Command Discipline A, but the NYPD disposition remains unknown.
- PO Ladson has been a member-of-the-service for 10 years and has four prior CCRB complaints filed against him involving 10 allegations, one of which was substantiated. In CCRB case 201600537, the Board substantiated an allegation that PO Ladson refused to provide his name/shield number. The Board recommended Command Discipline A, but the NYPD disposition remains unknown.
- Sgt. Roach has been a member-of-the-service for 10 years and has four prior CCRB complaints filed against him involving four allegations, § 87(2)(g) § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) (Board Review 04) (Board Review 13) testified that four black male officers initiated the vehicle stop. The investigation determined that only two officers initiated the vehicle stop, identified as PO Allen and PO Ladson, who are black males. An additional two black male officers, identified by the investigation as Sgt. Roach and PO Edwards, arrived later in the incident.
- § 87(2)(b) testified that PO Allen and PO Ladson directed numerous profanities at him throughout the incident, but could not recall which officer said what or when exactly each statement was made. § 87(2)(b) alleged that when he asked PO Ladson and PO Allen why he was being stopped, one of them responded, “for driving like a fucking asshole.” While no officer acknowledged saying this exact statement, both PO Allen (Board Review 05) and PO Ladson (Board Review 06) corroborated that § 87(2)(b) asked why he was being stopped. PO Allen testified that he did not recall if he or any officer responded to this question, whereas PO Ladson acknowledged telling § 87(2)(b) he was stopped for driving recklessly. § 87(2)(g) § 87(2)(g)
- § 87(2)(b) also alleged that a black male officer told him, “You fucking saw us, get the fuck out of here.” While no officer acknowledged saying this exact statement, PO Allen testified that he asked § 87(2)(b) if he saw the lights and told him that there was no way he did not see the officers. § 87(2)(g) § 87(2)(g)
- § 87(2)(b) alleged that an officer reached into his rear pants pocket, however, he did not know who. While all interviewed officers denied entering any of § 87(2)(b) s pockets, or seeing any officer do so, PO Allen testified that he “most likely” frisked § 87(2)(b) § 87(2)(g) § 87(2)(g)

Allegations Not Pleaded

- **Abuse of Authority:** PO Ladson and PO Allen saw § 87(2)(b) pass a stopped vehicle on the right, which § 87(2)(b) acknowledged doing. § 87(2)(g)
- **Abuse of Authority and Discourtesy:** § 87(2)(b) alleged that while the officers were speaking amongst themselves at the rear of the vehicle, one said to the other officer, “Fuck that, take him in.” Given that these statements were not directed at § 87(2)(b) § 87(2)(g)
- § 87(2)(g)

Allegation A -Discourtesy: PO Ladson spoke discourteously to § 87(2)(b)

Allegation B -Discourtesy: PO George Allen spoke discourteously to § 87(2)(b)

Allegation C -Abuse of Authority: PO George Allen threatened to arrest § 87(2)(b)

§ 87(2)(b) alleged that, after being stopped, he asked why he was pulled over. PO Ladson allegedly responded, "For driving like a fucking asshole." § 87(2)(b) alleged that PO Allen said to him, "You fucking saw us, get the fuck out of here." PO Allen then allegedly ordered § 87(2)(b) out of his vehicle by saying, "Get out of the car, we're taking you to jail." § 87(2)(b) testified that he immediately complied.

PO Ladson testified that when § 87(2)(b) asked why he was stopped, he told him that he was driving recklessly. PO Ladson denied telling § 87(2)(b) that he was “driving like a fucking asshole,” and denied using any profanity during this incident. PO Ladson testified that he did not hear any officer say, “You fucking saw us, get the fuck out of here” to § 87(2)(b) but he did not recall if any officer used profanity during this incident. PO Ladson testified that PO Allen ordered § 87(2)(b) out of his vehicle and § 87(2)(b) complied a few seconds later. PO Ladson did not remember if any officer told § 87(2)(b) that they were going to arrest him, however, PO Ladson was going to arrest § 87(2)(b) for reckless driving, which was why the officers called Sgt. Roach to the scene to verify the arrest. Ultimately, PO Ladson testified that he did not know why § 87(2)(b) was not to be issued a summons for reckless driving, as it was Sgt. Roach’s decision. PO Ladson became increasingly agitated with this line of questioning, advising the investigators to “speak to the sergeant,” as he was “not a sergeant.”

PO Allen testified that he did not think he heard any officer tell § 87(2)(b) he was “driving like a fucking asshole,” and did not recall if any officer used profanity during this incident. PO Allen testified that he asked § 87(2)(b) if he saw the lights and told him that there was no way he did not see the officers. PO Allen denied saying, “You fucking saw us, get the fuck out of here” to § 87(2)(b) and did not recall if he used profanity at any point during the incident. PO Allen testified that he ordered § 87(2)(b) out of his vehicle twice before § 87(2)(b) § 87(2)(b) complied. PO Allen did not think that he told § 87(2)(b) he was taking him to jail, however he was initially under the impression that § 87(2)(b) was to be arrested. PO Allen testified that his tone was “excited,” and the volume of his voice was raised, as his “adrenaline was going.”

§ 87(2)(g)

§ 87(2)(g)

Allegation D – Abuse of Authority: PO George Allen searched § 87(2)(b)

§ 87(2)(b) alleged that after he was placed in handcuffs, PO Allen reached into one of his back pant pockets and removed his license, credit card, and work ID. At the conclusion of the incident, his items were allegedly returned, except for his work ID.

PO Ladson testified that § 87(2)(b) was asked for his ID multiple times before he produced it. PO Ladson did not remember if he saw any officer reach into § 87(2)(b)'s pockets, but when asked if he observed any reason for any officer to do so, he stated, "According to the Patrol Guide, if you stop somebody, you can always search them for fear of safety for the officer." When asked if there was any point that PO Ladson was in fear of his safety, he responded, "We're always in fear of our safety." PO Ladson ultimately testified that he observed no specific reason to search § 87(2)(b). PO Ladson testified that § 87(2)(b) was going to be arrested for reckless driving, which was why the officers called Sgt. Roach to the scene to verify the arrest.

PO Allen testified that while § 87(2)(b) was inside his own vehicle, he requested § 87(2)(b)'s ID and it was immediately produced. After § 87(2)(b) exited his vehicle, "for his safety, for [the officers'] safety," PO Allen testified that § 87(2)(b) was frisked, which was "most likely" conducted by PO Allen. PO Allen did not recall if § 87(2)(b)'s pockets were entered at any point of this incident. PO Allen did not think there was any reason to enter § 87(2)(b)'s pockets. When PO Allen frisked § 87(2)(b) he was under the impression that § 87(2)(b) would be placed under arrest.

§ 87(2)(g)

Allegation E –Abuse of Authority: Sergeant Craig Roach issued a summons to § 87(2)(b)

It is undisputed that § 87(2)(b) was issued a summons for disorderly conduct, subsection 1 (Board Review 07), written by PO Williams per Sgt. Roach's instructions. The narrative of the summons states that § 87(2)(b) was observed on a public sidewalk with intent to create a hazardous, offensive condition by being loud. § 87(2)(b) testified that his demeanor was calm throughout the incident, and denied ever yelling or using profanity.

Sgt. Roach (Board Review 08) testified that when he arrived to the scene, § 87(2)(b) was already in police custody. Sgt. Roach had a conversation with PO Ladson and PO Allen, during which time § 87(2)(b) was being "loud and boisterous" in the backseat of the other police vehicle. The officers who initiated the vehicle stop only conveyed to Sgt. Roach that § 87(2)(b) was driving recklessly, and did not provide additional descriptive information about how § 87(2)(b) was driving recklessly. Sgt. Roach testified that he did not ask the officers questions to obtain more information about what, specifically, § 87(2)(b) had done. Sgt. Roach testified that due to his own observations, and not what was conveyed to him by the officers who initiated the stop, Sgt. Roach decided to issue § 87(2)(b) a summons for

disorderly conduct, and ordered PO Williams to write it. Sgt. Roach testified that he did not see § 87(2)(b) on a public sidewalk until after he was released from police custody, and only observed him being “loud and boisterous” while inside the police vehicle.

PO Williams (Board Review 09) testified that PO Allen told her and Sgt. Roach that when § 87(2)(b) was pulled over, he exited his car yelling. PO Williams was not aware of the content of any additional conversation that Sgt. Roach had with members of the Anti-Crime team. PO Williams testified that she never observed § 87(2)(b) creating a hazardous condition by being loud, and that Sgt. Roach instructed her to write § 87(2)(b) a summons for disorderly conduct.

PO Allen stated that § 87(2)(b) created a hazardous condition when he was speeding. PO Allen did not recall if anything else § 87(2)(b) did during this incident created a hazardous condition. PO Allen did not know whose decision it was to issue § 87(2)(b) a summons. PO Allen never observed what the narrative on the summons described. PO Allen did not recall § 87(2)(b) ever being loud and boisterous.

PO Ladson testified that he observed § 87(2)(b) in violation of disorderly conduct, but when asked what § 87(2)(b) was doing in violation of disorderly conduct, PO Ladson stated, “The penal law for [disorderly conduct] is very big and broad.” When PO Ladson was asked if he saw § 87(2)(b) on the sidewalk creating a hazardous condition by being loud, PO Ladson stated that § 87(2)(b) created a hazardous condition in his vehicle. When asked again, PO Ladson responded that he did not observe what the narrative of the summons described.

PO Edwards (Board Review 10) testified that he did not observe § 87(2)(b) in violation of disorderly conduct. PO Won (Board Review 11) testified that he never observed § 87(2)(b) yelling. No officer ever spoke with PO Edwards or PO Won about why § 87(2)(b) was in violation of disorderly conduct. PO Edwards and PO Won corroborated that Sgt. Roach spoke with PO Allen and PO Ladson, but PO Edwards and PO Won were not part of this conversation, nor could they hear what was being said.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk by engaging in fighting or in violent, tumultuous or threatening behavior. New York State Penal Law, Section 240.20 (1) (Board Review 12).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad: 5

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date